

Ordinance No. 26-05

ORDINANCE:

To grant Text Amendment  
Application No. TXT2005-  
000216, as amended, Mayor  
and Council of Rockville,  
Applicant

WHEREAS, the Mayor and Council of Rockville, 111 Maryland Avenue, Rockville, Maryland, 20850, filed Text Amendment Application TXT2005-00216, for the purpose of amending the size and setback standards for accessory buildings in single-family detached residential zones; and

WHEREAS, the Planning Commission reviewed the proposed text amendment at its meetings of June 28, 2005, and recommended approval of the application as set forth in a memorandum to the Mayor and Council dated June 29, 2005; and

WHEREAS, pursuant to Article 66B of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on July 11, 2005, or as soon thereafter as it may be heard; and

WHEREAS, on July 11, 2005, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council having considered the text amendment application, and the entire file pertaining thereto, said Mayor and Council having decided that the granting of this application, as amended, in the form set forth below, would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND  
COUNCIL OF ROCKVILLE, MARYLAND, that Text Amendment Application

No. TXT2005-00216, be, and the same is hereby, granted, as amended, in the form set forth below:

Section 1. That Chapter 25 of the Rockville City Code entitled “Zoning and Planning Ordinance” be amended by amending Section 25-1 “Definitions” to amend the definition of “Use, Accessory” to read as follows:

Use, Accessory means a use incidental to a permitted or special exception use which complies with the following conditions:

\* \* \*

(5) If operated partially or entirely in detached structures, the gross floor area of such detached accessory structures [does] must not exceed ten (10) percent of the minimum lot area [for the zone in which the lot is located] in the R-40 and R-60 zones. The gross floor area must not exceed 9 percent of the minimum lot area in the R-75 Zone, and 8 percent of the minimum lot area in the R-90 Zone. In no event can accessory structures occupy more than 25 percent of the rear yard.

Accessory structures that were constructed under the standards in effect at the time they were erected are considered conforming and may be modified, repaired, or replaced so long as they conform to the previous development standards.

Section 2. That Chapter 25 of the Rockville City Code entitled “Zoning and Planning Ordinance” be amended by amending Section 25-311 “Table of Development Standards” so as to add a new footnote (9) in the columns to be

placed immediately after the word “Exceed” and the corresponding footnote

language to read as follows:

<sup>9</sup> Structures that exceed 12 feet in height must be set back an additional two feet for each additional foot of building height up to the maximum allowable height of 15 feet.

NOTE: [Brackets] indicate material deleted  
Underlining indicates material added  
Asterisks \* \* \* indicate material unchanged by this ordinance

\* \* \* \* \*

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of November 28, 2005.

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Claire F. Funkhouser, CMC, City Clerk